



ISSN 1180-5218

**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 3 June 2015

**Journal
des débats
(Hansard)**

Mercredi 3 juin 2015

**Standing Committee on
General Government**

Highway Incident
Management Act, 2015

**Comité permanent des
affaires gouvernementales**

Loi de 2015 sur la gestion
des incidents de la route

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 3 June 2015

Mercredi 3 juin 2015

The committee met at 1601 in committee room 2.

**HIGHWAY INCIDENT
MANAGEMENT ACT, 2015
LOI DE 2015 SUR LA GESTION
DES INCIDENTS DE LA ROUTE**

Consideration of the following bill:

Bill 30, An Act to require the establishment of an advisory committee to make recommendations to the Minister of Transportation and the Minister of Community Safety and Correctional Services for the improvement of highway incident management / *Projet de loi 30, Loi exigeant la constitution d'un comité consultatif pour formuler des recommandations au ministre des Transports et au ministre de la Sécurité communautaire et des Services correctionnels en ce qui concerne l'amélioration de la gestion des incidents de la route.*

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to call the Standing Committee on General Government to order. I'd like to welcome all members of the committee, the Clerk's office, Hansard, legislative research, presenters, staff and everybody to this glorious afternoon.

This afternoon we will be having public hearings on Bill 30, An Act to require the establishment of an advisory committee to make recommendations to the Minister of Transportation and the Minister of Community Safety and Correctional Services for the improvement of highway incident management. Having said that, all presenters will be able to make a five-minute presentation to the committee, followed by three minutes of questioning from each of the three parties.

ONTARIO GOOD ROADS ASSOCIATION

The Chair (Mr. Grant Crack): At this time I would like to welcome, from the Ontario Good Roads Association, our first presenter, Mr. Scott Butler, who is the manager of policy and research. Long time no see.

Mr. Scott Butler: This is my third trip here this month.

The Chair (Mr. Grant Crack): Welcome.

Mr. Scott Butler: I've worn grooves into the chair. Good afternoon. My name is Scott Butler. I'm the policy manager for the Ontario Good Roads Association.

Since 1894, OGRA has represented the transportation infrastructure needs of Ontario's municipalities. I'm here today to lend OGRA's full support to Bill 30. The need for a multi-party coordination to respond to highway incidents is long overdue. The current approach to highway incident management has had a number of unfortunate consequences for Ontario municipalities, and it is an ongoing source of aggravation. OGRA believes that Bill 30 can address long-standing problems with Ontario's emergency detour routes, or EDRs, and that a formalized approach to highway incident management is the way to go.

Simply put, in their current form, EDRs are a thorn in the side of municipalities. When this program was implemented, municipalities asked MTO for financial support for signage and geometric improvements to the road networks. Such improvements included things like paving wider radiuses to accommodate turning trucks. MTO countered by providing signs and assurances that municipalities would see a benefit by avoiding the confusion that typically followed a highway closure.

At the same time, many of the EDRs that were established were done without properly considering the impact on affected communities. In many cases, the only suitable roads for EDRs ran directly through residential areas which were never intended or designed to handle 400-series levels of traffic. Other routes that would have been ideal alternatives were not built to the structural standards to handle this type of traffic, even on a short-term basis.

Much to the chagrin of many municipal engineers, the MTO has tended to overlook local proscriptions on overweight and over-dimensioned vehicles. These vehicles, simply put, should not be crossing local bridges or culverts that are not designed or intended to handle overweight loads. Incident commanders seem primarily concerned, when EDRs are employed, with getting traffic off the highway. Requests to develop a protocol to address this concern have gone nowhere.

As mentioned earlier, the use of EDRs significantly increases traffic volume in towns and villages across Ontario. The OPP do not employ officers during an incident to direct traffic along these routes. Rather, motorists and, in particular, trucks, often find themselves attempting to use other routes, which can often amplify the problem. OGRA believes that the use of an EDR must be viewed as of equal import to the original

incident. The need to remedy this is even more acute in the winter, when levels of service dictate a municipality's liability and exposure to risk.

As one might expect, the current approach came to its natural conclusion recently at an incident in Middlesex county, where the 401 had been closed and traffic was pushed off onto a proposed EDR route. Almost immediately, two trucks blocked an intersection, could not pass one another, blocked themselves in and blocked traffic up considerably. A protocol like that proposed in Bill 30 would do two things: First, it would leverage local knowledge, and more importantly, it would avoid incidents like this.

Municipalities have not been any better served by the existing patchwork approach to incident management. In the GTHA, approximately \$6 billion worth of economic activity is lost to congestion each year. The city of Toronto has estimated that approximately 50% of congestion is caused by incidents on highways. The quicker these are cleared, the less congestion there will be. It is estimated that this would cost between \$2 million and \$4 million per year, for an incident response team to be deployed on the Gardiner and the DVP, for instance. This would be a prudent investment, since it appears, the same study has found, to return savings of almost 10 to 1.

Municipalities have been rightly skeptical of the way highway incidents have been managed in Ontario up to this point. The municipal perception and the municipal experience is that the province is content to provide signs and transfer its traffic problems onto municipal roads when convenient, without concern for the impact on local infrastructure or local communities. OGRA believes Bill 30 will provide proper assurance that incident management will be a collaborative process. Municipalities are eager to ensure that their concerns are incorporated into a new approach to incident management that establishes them as partners alongside the OPP and MTO.

I urge you to adopt Bill 30 as soon as possible. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Butler. We shall start with the official opposition. Ms. Martow.

Mrs. Gila Martow: Thank you so much for coming in. I think, as the person who worked on this bill, that we didn't get into specifics because what we want to do is we want to work collaboratively—all parties, and with stakeholders such as yourself—and that maybe we need to focus on first starting, as you mentioned, with the Gardiner and the Don Valley, and then maybe moving on to other roads. I was wondering if maybe you could get into some specifics of how you could see this being implemented.

Mr. Scott Butler: I think the aspirations of the bill, in terms of bringing the parties, the municipalities, the OPP, other affected stakeholders and MTO together to begin a conversation about the best approach, would do two things. It would leverage a lot of the expertise that's out there currently, and it's local expertise in terms of

knowing which roads are optimized for handling these traffic loads on a temporary basis.

I think the second thing that it would do is that it would allow that sort of dialogue to identify some best practices that can be replicated across the province. I'm not here to be a Cassandra about this, but it has been one of these ongoing irritants that we hear about time and time again from the municipal sector. Striking the committee and giving municipalities indications that some action is being taken to address this, I think, is the first step. Above and beyond that, I suspect that the people you put at that table will have the best solutions for whatever it is that you're considering.

Mrs. Gila Martow: Okay, great. Are you aware—do I have any more time?

The Chair (Mr. Grant Crack): Yes.

Mrs. Gila Martow: Are you aware of what has been implemented in southern Florida in terms of response teams on the highways?

Mr. Scott Butler: Yes, we've looked at a few instances. Los Angeles also has a fairly advanced program. So do Atlanta and Chicago. They've noticed fairly quickly, once these teams have been identified, brought on board and implemented, that they realize what they're supposed to do. I know, in talking to the city of Toronto, that they're eager to replicate that. I think they see a really easy win here on this issue.

Mrs. Gila Martow: Okay. Well, fantastic. Time's up?

The Chair (Mr. Grant Crack): Thank you very much, Ms. Martow. We'll move to Mr. Gates, from the third party.

Mr. Wayne Gates: Hi. How are you?

Mr. Scott Butler: Fine. How are you?

Mr. Wayne Gates: Good. We've got lots of issues with municipalities around roads, particularly in the municipalities themselves. Have you had any dialogue around the liability and the amount of insurance that is now being paid by municipalities because of the responsibility on the accidents and stuff?

Mr. Scott Butler: Yes. We are actually currently leading the five-year review of the minimum maintenance standard, which was the response that the government provided to mitigate some of the unintended consequences of joint and several liability. So we're acutely aware of what that is.

1610

In relation to this issue, we haven't talked specifically about liability. The one thing that was identified when we reached out to our members was the issue of EDRs during wintertime. Oddly enough—it seems like some sort of cruel and unintended consequence—many of the winter maintenance yards are actually stationed on EDRs, so an incident will happen where a highway will be blocked, traffic will be diverted, and the snowplows can't get out because they're actually locked into traffic. Oddly enough, in the winter the snow that's causing problems on the 401 also is causing problems on the local road. This leads to a series of knock-on effects where you have to call in plows from further afield; in

particular, Wellington county was the municipality that identified this example.

The municipalities are acutely aware, almost to the point of being actuaries, of what risk is and how it can be managed, particularly when it comes to roadways.

Mr. Wayne Gates: I was a city councillor, so I knew that, to your point, more and more trucks are being diverted onto our streets, causing more and more problems, particularly around access.

You had a really good point around the cost of keeping highways clear: \$2 million to \$4 million.

Mr. Scott Butler: That was simply for the Gardiner and the DVP.

Mr. Wayne Gates: No, I knew that for around Toronto, because as you know, trucks are sitting for hours on the Gardiner or around Toronto. And a lot of the big manufacturers in the area are “just in time,” so when you take a look at where companies are going to decide to put a plant, if they know that their truck is going to be sitting idly for two and four and five hours, particularly during the winter months, and their assembly lines are waiting for the parts to get there, I think it’s a very small price to pay to clear the congestion off our roads. I don’t know what you think of that, but—

Mr. Scott Butler: Well, we hear from municipalities all the time that are trying to attract business, and they understand that congestion abatement is an enticement or discouragement for private industry looking to set up there. It’s something that’s top of mind for them.

Mr. Wayne Gates: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government. Ms. Kiwala?

Ms. Sophie Kiwala: Thank you very much for being here, Scott. It’s great to see you and talk about this bill. I’m not sure if you’re aware, but—I’m sure you probably are, actually—in 2006 there was a similar committee that was struck to deal with these traffic congestion issues, and it was called the Faster Clearance Working Group, which ended in 2011. At the time, there were representatives from the OPP, the tow truck industry and the insurance industry to look at different ways of clearing highway incidents. At that time, we were looking at reducing the recovery times, avoiding worsening the situation with congestion, increasing awareness of the recovery companies and looking at the availability of proper equipment etc. I’m just wondering, considering we had that committee at that time, do you think that there might be better ways to address this issue other than through another committee? Is there any other way that you can see that we should be looking at it?

Mr. Scott Butler: I’ll admit I was not aware of this earlier committee. I would also say that my members wouldn’t be offering me the wealth of information and feedback about incidents on highways if they thought the committee had reached its objectives.

When we looked at the bill as an organization, the board of directors at OGRA were happy that the key stakeholders were included and that there was specific mention of municipalities as being equal partners to this.

I noticed that you didn’t mention that they were part of the earlier committee. The reality is that they have a lot of experience managing congestion overflows coming off of highways, but there’s a sense that, like many other undesirable things that flow downhill, congestion is one of those things that just gets pushed off on to a lower order of government. They would prefer to be there so that they can leverage their understanding and their knowledge of local conditions to make sure they would respond and create a system that will effectively manage it.

That said, there are lots of examples throughout the world. We referenced some earlier, particularly in the States, where they’ve been fairly successful in implementing different systems. We haven’t gotten to the point of analyzing which of those may be most desirable, but I suspect that if you strike this committee and begin implementing some of the prescriptions of this bill, we’ll be able to arrive at which one is best suited for Ontario very quickly.

The Chair (Mr. Grant Crack): I’m so sorry, Mrs. McGarry. Your time is up.

Mrs. Kathryn McGarry: Okay.

The Chair (Mr. Grant Crack): I appreciate you, Mr. Butler, coming before the committee this afternoon.

CAA SOUTH CENTRAL ONTARIO

The Chair (Mr. Grant Crack): Next, we have on the agenda, from CAA South Central, another gentleman we haven’t seen for some time: Mr. Silverstein, manager of government relations. Welcome, sir. You have five minutes.

Mr. Elliott Silverstein: Good afternoon.

The Chair (Mr. Grant Crack): Good afternoon.

Mr. Elliott Silverstein: Mr. Chair and members of the standing committee, my name is Elliott Silverstein and I’m manager of government relations at CAA South Central Ontario. I’m pleased to speak to you today regarding Bill 30, the Highway Incident Management Act, a private member’s bill that touches on one of the cornerstones of CAA: roadside assistance.

Across the province, CAA’s three Ontario clubs boast over 2.3 million members. We advocate on behalf of these members at Queen’s Park and at municipalities across the province on issues related to road safety, infrastructure and roadside assistance.

We have seen many important developments. Just yesterday the Legislature unanimously passed Bill 31, a bill that also incorporated “slow down, move over” provisions for tow trucks providing service on Ontario’s roads. This is an important step and makes Ontario the sixth province to have such legislation.

Bill 30 is a very simple piece of legislation. It isn’t partisan in any manner. It simply asks for an advisory committee to be created and make recommendations to the Minister of Transportation and the Minister of Community Safety and Correctional Services for the improvement of highway incident management. There are no

financial implications, simply having the right people—the industry experts, the key government officials—to further this dialogue. The idea of incident management came up during the past year through stakeholder panel meetings related to the regulation of the towing industry.

Bill 15 was passed late last year and combined two distinct pieces of legislation: auto insurance reforms and regulation of the towing industry. They are two items that are best served to be separate for discussion, mainly because the regulation of the towing industry should not be contingent on any auto insurance reforms. That said, during the recent stakeholder meetings around towing in Bill 15, CAA and many other stakeholders—some of whom you'll hear from today—tried to ensure that issues like incident management and provincial licensing would be included in the report to government, which should be received in the near future.

Instead, the Ministry of Government and Consumer Services invoked a very narrow scope, omitting several key elements for the successful regulation of the towing industry, a process that concerns us greatly. Incident—or scene management, depending on how you want to define it—is one of those issues. For CAA and many other stakeholders, we felt that these were significant errors on the part of the ministry, who showed reluctance to take panel feedback into consideration.

Incident management is not only the foundation for safety at the scene of a collision. It is a mechanism that would help address issues of fraud and issues around chasing, two elements that were defined in Bill 15 as important factors but have yet to be effectively addressed in a manner that brings an effective resolution for both industry and motorists alike.

If the government is truly concerned with addressing fraud, gouging, consumer protection and safety, Bill 30 not only needs to become law; it needs to coincide with the ongoing discussions related to the regulation of the towing industry. The discussions around regulating the industry have not gone as smoothly as one would have hoped, leaving massive gaps that could render the landscape far worse than the patchwork structure we see today. Incorporating Bill 30 is one, but certainly not the only, effort that could be made to ensure that the towing industry is able to continue operating, and enhance safety for motorists and tow operators on the sides of the roads while also helping facilitate consumer protection measures that are tied to towing regulations.

The Ontario Road Safety Resource—ORSR for short—data shows that Ontario has some of the safest roads in North America. We know that many but certainly not all tow trucks chase to the scene of an accident, which has its own risks attached to that. Through incident management, it helps provide structure, it helps eliminate various consumer protection issues, and it helps ensure safety for everyone at a collision or the scene of a vehicle breakdown.

As a non-partisan advocate for motorists and as a leading auto club in this province, CAA strongly urges this committee to pass this bill, help salvage ongoing

conversations about how to best regulate the towing industry and, simply put, help bring this bill to be passed through the Legislature as soon as possible. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Silverstein. We shall start with the third party. Mr. Gates.

1620

Mr. Wayne Gates: Well, you might have an opportunity to get the bill passed quickly, seeing as there's no cost to it. I just thought I'd throw that out there. It's something that we seem to be dealing with quite a bit: If it's free, the government will do it.

I've got a question for you, though. I agree with you on the bill. I spoke to the bill on the fact that they should never have put the auto insurance in with the towing. That was really just a way to divert attention when quite frankly, I believe, the number of challenges facing the towing industry and CAA should have had their own thing. The auto insurance took most of that debate—talked about the fraud, talked about reducing the interest rates, which really didn't really have much to do with towing. So I agree with you wholeheartedly that we should revisit that.

The other thing is, it's interesting that you talk about—because I hear this quite regularly. We have the safest roads in North America, but we've had a lot of challenges around our roads. I'm from Niagara; I don't know if you're familiar with Niagara.

Mr. Elliott Silverstein: I am.

Mr. Wayne Gates: Last year, during the winter season, we seemed to see a lot of your tow trucks around, particularly between Sodom Road and Fort Erie. The highway was shut down a number of times last year because of road safety. It's probably good for CAA, I guess; it creates a little bit of business. But at the end of the day, we had a lot of people get hurt down there.

We believe—or certainly I believe, and so do a lot of other people—a lot of it was because of the contracting out of the work. I know it might not be something you want to touch on, but if we're going to say that our roads are going to be safe, I think we should make sure that whoever we offer those contracts to at least has equipment. Maybe you could tell me if you had heard anything around the Sodom Road area or whether you were extra busy down in Niagara, because it really was a tough winter for that particular stretch of highway. It really came out that it was because of a contractor.

Mr. Elliott Silverstein: Specifically to the stretch of roads of the community you're talking about, I'm not familiar with it. But certainly when it comes to road safety, we are proponents of road safety. We are proudly partnering with the Ministry of Transportation, providing insights from our members to them and hearing what initiatives they're doing. I know the conversation has come up in recent weeks about the challenges, and I know they're being addressed. I think that as an advocate for road safety, we certainly want to be part of a solution and help articulate things that our members are telling us and what some of our operators are telling us.

The challenges have been there. There's certainly an opportunity to bring it forward and, looking forward, in that perspective, to try to learn from the challenges of the past. I think that weather climates are going to be the weather climates. We know that it's challenging each and every year, but we want to make sure our members are safe. We want to make sure our drivers are safe. If there are challenges to that, we want to be able to share that with the right people to ensure that we cover those gaps and make sure that they don't reopen again in the future.

Mr. Wayne Gates: Have I got time?

The Chair (Mr. Grant Crack): Sorry, Mr. Gates; it's up.

Mr. Wayne Gates: I'm okay?

The Chair (Mr. Grant Crack): No, you're good.

Mr. Wayne Gates: Okay. I just want to say—I know, but I want to say to you that I'm a CAA member, and so is my wife. She needs it more than I do.

Laughter.

The Chair (Mr. Grant Crack): That is in order.

We shall move to the government side—

Mrs. Gila Martow: Did you say it's out of order?

The Chair (Mr. Grant Crack): No, it's in order. Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon, Mr. Silverstein. Thank you for your presentation. It's true; we have seen you a few times.

Mr. Elliott Silverstein: A few times.

Ms. Ann Hoggarth: But we love to know your opinion as a key road safety partner. It's very important to us.

In 2006, the Ministry of Transportation formed a committee exactly like the one specified in this bill. It was called the Faster Clearance Working Group. It was composed of representatives from the OPP, the trucking associations, the tow industry and the insurance industry. They were to examine the issues that impact rapid clearance on highways.

At the time, the committee was tasked with the mandates of finding ways to reduce recovery times in order to avoid worsening congestion; increasing awareness of how the recovery companies should be chosen to ensure availability of the proper equipment; and ways to prevent consumers from being gouged.

A number of initiatives came out of the working group, including the provincial highway incident management limited financial protection program, and also the Steer It Clear It initiative. The unfortunate part of it is that the Faster Clearance Working Group actually had to be suspended in 2011 because of limited stakeholder participation.

I'm curious to know your opinion about whether there might be a better way to address these kinds of situations than a committee.

Mr. Elliott Silverstein: It's tough to say, because dialogue amongst stakeholders is important. Different perspectives are at hand. I think that we need to find consensus. At the end of the day, we have to move forward. We can sit and discuss issues time and again, and too often, we do that. I think that it's important to

hear the different perspectives. Different solutions and different structures are always important.

From CAA's perspective, if there is an opportunity to be part of a solution for road safety, for the safety of tow truck operators, whether it be drivers stuck on the sides of the road or other initiatives, we're certainly happy to be there. I think that you have to start somewhere and build from there. Perhaps it's a committee that is spawned and that you discuss and it evolves into something greater, into some sort of a task force or an overarching body, whatever it may be.

We've seen, through the regulation-of-the-towing-industry discussions, that there is a need for further dialogue and interaction between government and stakeholders to ensure that people are protected and that the costs aren't going to be too prohibitive so that, at the end of the day, people who are stuck on the side of the road are not going to be paying too much money—excessive costs—and also they can get to safety in a reasonable amount of time.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the official opposition. Mr. McDonell.

Mr. Jim McDonell: Like I say, they've talked about the committee that was formed in, I think 2008, but I've heard certainly from the tow truck companies in our area that there is some unhappiness. I guess it was suspended or not put in place. We have a committee that has done some work, but we haven't seen the benefits.

Have you, from a customer point of view, identified or heard much about long delays on the highway?

Mr. Elliott Silverstein: You're talking about specifically in terms of some of the challenges—

Mr. Jim McDonell: The 401s, yes.

Mr. Elliott Silverstein: Yes and no. Certainly when a collision occurs, there is a backlog. So certainly in terms of a service perspective, you want to be able to get to safety faster. I think that some of the challenge that people experience as a commuter when a vehicle breaks down is another issue in and of itself, because certainly we talk about congestion, especially in the greater Toronto area. It is significant—if we can find strategies to not only help try and address those issues but also make sure that people are protected at the same time so that if there is service being provided, they're not being gouged, that they're paying a rate that is in line with what the municipalities are setting out, that the equipment is in proper condition so that they get their vehicle back in a reasonable amount of time and they get to safety no matter the weather conditions.

Mr. Jim McDonell: I know one issue we had, when I was the mayor of South Glengarry, was damage done to the roads by the heavy traffic being moved across. In one location, we had a brand new road of about 10 kilometres that was open about six months, and there ended up being about \$800,000 damage to it. Our local roads, especially outside of Toronto, just aren't built for this, so it's causing a lot of trouble.

Mr. Elliott Silverstein: It is challenging. I think different roads are structured for different types of traffic going through. I think that, from our perspective, we talk about worst roads and the need for greater infrastructure at all points through the year. Certainly, we try to articulate that. But when you put it all together, at the end of the day, when you look at the particular issues at hand here, we want to make sure that people are safe. We want to make sure that tow truck drivers are safe. We want to make sure that motorists are safe, that people are able to get to and from safely. That's why we're in support of this bill. This bill, very simply, helps bring the issues forward in a dialogue that allows us to try and bring reasonable solutions at hand in a reasonable amount of time.

Mrs. Gila Martow: I think that what we want to hear is that it's not going to be just talk. I think that's what we're hearing concerns from the other side of the room: that we'll just have meetings and nothing will be accomplished. I think that it's very important how the task force is set up, that it can make some serious recommendations and feel like they're seeing something implemented, because people don't want to meet for four years and not see their recommendations implemented. Maybe after four years, they stop coming to meetings because, at the end of the day, it costs the stakeholders money to send people to attend these meetings. If their recommendations aren't implemented, even if it has unanimous support, they do get frustrated.

Mr. Elliott Silverstein: Absolutely. I think, at the end of the day, if the mandate is clear and the mandate is followed and the individuals involved have a vested interest for the greater good, that's what you're there for. I think that sometimes you have to put self-interest to the side. "Give a little to get a little" is really the order of the day. If it really is a committee that is designed to be for the betterment of the public, sometimes you have to look at the broader perspective and look at the broader solutions to ensure that everybody is safe. I think that absolutely I agree with you: We want to make sure that there is value in anything there. But the people who make up those committees will help define that.

Mrs. Gila Martow: Right. I'll just end by saying that you've had your meetings with the other stakeholders. They've been quite lively and a little bit on the antagonistic side, was my understanding, but you got it done and you got some legislation done, and they want to continue.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Silverstein. We appreciate you coming before committee this afternoon.

Mr. Elliott Silverstein: Thank you.

PROVINCIAL TOWING ASSOCIATION (ONTARIO)

The Chair (Mr. Grant Crack): Next: From the Provincial Towing Association of Ontario, we have Mr. Joey Gagne, who is the president. Welcome, sir. You have five minutes.

1630

Mr. Joey Gagne: Thank you for allowing me to speak today. Again, my name is Joey Gagne. I represent the towing industry as the president of the Provincial Towing Association.

I'm very excited to speak on this bill. The industry is an essential service in the rapid clearance of highways in Ontario. The Provincial Towing Association has been involved in the Bill 15 legislation to reduce fraud in the insurance industry and regulate the towing industry. Bill 15 does not deal with fraud very well and definitely doesn't deal with incident management in any way, shape or form.

We have consistently requested that attention be paid to the incident management process, basically falling on deaf ears. The current system for ordering towing and recovery services is badly broken. We have no organized plan to order qualified tow operators. The OPP and the MTO use a system that is called "first available." The "first available" system encourages accident-chasing and is very dangerous to the public. Furthermore, the system does not reduce traffic during major incidents such as truck wrecks.

Currently, if an accident happens on the 400-series highways the OPP make a general call out over one of their public channels to all available tow trucks that there is a crash, and the first on scene gets the job. This causes a great panic and a rush to the scene by all available heavy tow trucks and light-duty tow trucks. In an effort to put this into context, a heavy tow truck weighs between 45,000 and 60,000 pounds. To make my point clear, potentially you have 10 to 15 of these giant tow trucks about the size of a motor coach racing down the highway and up the shoulder of the roadway in an effort to secure a job.

This doesn't guarantee that the operator is qualified to provide the service required, but if you're first on the scene, you are likely to be allowed to try and possibly learn on the side of road, at the expense and time of everyone tied up in the ensuing traffic jam.

What it does guarantee is that we are placing the public in extreme danger to be at risk of these tow truck drivers who are being egged on by this process. Furthermore, in many conversations with the Ontario Trucking Association, they have been constantly bombarded with complaints from their members who have been subject to the process of these unqualified operators. The invoices clearly indicate that many of these cleanup jobs are being dragged out for financial gain.

Recently the MTO created an RFP that was intended to be a pilot project during the Pan Am Games and has been used in many US states effectively to vet tow companies and to dramatically speed up the cleanup process. Sadly, we were informed yesterday that the MTO caved in to some pressure from some parties, and we are again back at the drawing board with no plan and a huge traffic issue bearing down on us.

The process of clearing highways is severely hampered by the lack of a comprehensive plan. Ontario is

the economic engine of Canada and should not be without a plan when there are proven systems in other regions that work very well and have been in place for many years. I humbly request that you include us in your advisory committee because we have a lot to bring to the table. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Gagne. We shall start with the government. Ms. McGarry?

Mrs. Kathryn McGarry: Thank you very much for your presentation today. I'm the PA to transportation, so all these conversations are very important for me to hear. As you're probably very well aware, we were ecstatic to pass Bill 31 yesterday, and it received royal assent last evening. Interestingly, a lot of our safety partners were there yesterday to help us celebrate that. But in that legislation we've got the "slow down, move over" legislation that's now going to be extending to tow trucks on the side of the highway. So this is an area that this government is really committed to improving.

You've been hearing that the committee that was struck had to be unstruck in 2011 due to limited stakeholder participation. My question to you is: You have a lot to offer on this subject; do you have an idea of any better ways that we can have consultations with our stakeholders that may work better than a committee process?

Mr. Joey Gagne: I was on that committee.

Mrs. Kathryn McGarry: Okay.

Mr. Joey Gagne: I went to all the meetings, right to the very end. Most of the stakeholders were there, but the government kind of—people got transferred, retired. We were on that committee from the beginning till the end. We made some headway with the financial guarantee, which was because of an incident that happened on the 400 where no one would do the service because there was an issue with the trucking company that everyone had had prior relations with and no one would provide services to. So someone from the government had to provide a credit card to actually get the service provided so that we could open up the highway. So I have been involved.

Mrs. Kathryn McGarry: And this is why the provincial highway incident management limited financial protection program came in: because of that initiative.

Mr. Joey Gagne: Yes. So we did accomplish a number of things; it wasn't like nothing happened. We did accomplish a number of things. Like I said, I was on it from beginning to end. We tried to accomplish more towards what we're talking about today, and we just didn't get there.

Mrs. Kathryn McGarry: So moving forward, what would your suggestion be to be able to consult and actually get the message heard, even without a committee process, let's say? What would be your suggestions?

Mr. Joey Gagne: I think it has to be a forced process. It has to be legislation, because what's happening, as we get into these committee meetings—

Mrs. Kathryn McGarry: Legislation for coming together, you mean?

Mr. Joey Gagne: To force us to come together and force us to come up with some answers, because we've been talking about this for 40 years and the traffic is getting worse and worse. I run a towing company as well; I know what it's like. I can tell you that certain operators that are out on the road are not providing the quality of service that the public requires and, in fact, are providing a very substandard service and charging a premium for it, and the public is paying for that because of the economic impact based on, as I mentioned earlier, manufacturing customers or businesses that may not want to be in our municipalities because we have these traffic issues. Some of them could be solved much faster than they are.

The Chair (Mr. Grant Crack): Thank you very much.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Grant Crack): We appreciate it. We shall move to the official opposition. Ms. Martow?

Mrs. Gila Martow: There's a lot of new technology, as we know, that has come out in the last few years. One of them, the next presenter is actually going to be talking about, so that worked out really well for us, and that's basically having GPS on all the tow trucks. We all know how Uber works now, and the others. We've seen what happened. All the taxi companies now are doing similar: that you can see on your smart phone or computer where the car actually is. That's one of the things that I would like to see the new task force looking at. Is that something that you think would be beneficial?

Mr. Joey Gagne: I definitely think that technology is a great thing. Any opportunity to make the process more efficient—I think that we can definitely make use of that type of technology. But at the beginning parts of the process, where I think we're falling down is that there's no process to vet these operators from the beginning. Once we've vetted them and figured out that they're qualified to do the job and that they're going to do what the public needs and not what they need, then I think we will definitely benefit from using that type of technology.

Mrs. Gila Martow: Right. Think about it: If they're not locked into the technology—they're going to be vetted and they're going to get the technology. If they're not following the rules, they're going to be shut out of the system. There are not going to be any calls going out on a shortwave radio saying there has been an accident. Maybe even the public could have the technology as well to participate somehow. But I'd love to see—just take, say, the Gardiner or the Don Valley and test it out—

Mr. Joey Gagne: Anything we can do to marry up the technology would work.

Mrs. Gila Martow: Yes; absolutely.

Mr. Jim McDonell: You're done?

Mrs. Gila Martow: Yes; go ahead.

Mr. Jim McDonell: So I guess you've been involved in these other committees, which there are some recommendations being made but you haven't seen any progress on them?

Mr. Joey Gagne: There was an RFP that was put out that was basically intended to be a pilot project which would be run through the Pan Am Games in an effort to keep our roads clear. Everybody is working feverishly to do that. The RFP was put forward, everybody kind of threw their hats in the ring, and then the RFP was cancelled for some reason.

1640

I don't have intimate information as to why it was cancelled, but I can tell you that the RFP was based on the programs, which were mentioned earlier here by the first presenter, in Atlanta, LA, Florida, where they have a rapid clearance process, and that process is basically motivated by clearing the road quickly. You get a bonus for clearing it fast. You're not incentivized. Right now, the towers who are doing the heavy truck recoveries are incentivized to drag it out because they get paid hourly for their jobs.

They're incentivized by the government to clear the road faster, and that's got to have some value to everybody.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to Mr. Gates.

Mr. Wayne Gates: A couple of things: On technology, GPS, all we have to do is look at Uber. Quite frankly, they're not regulated. We have no oversight. You can have all the technology in the world, but if there are no rules and regulations in place to follow, you can have problems. We take it back into your industry. If I have somebody coming to tow my car away and he doesn't have the qualifications, doesn't know how to do it properly, you're putting the public at risk. I think that's what you're trying to say in some of your comments: It doesn't make any sense, in an area of the province that is so heavily dependent on our highways being clear, that we're using unqualified tow companies or individuals—it could be individuals, I would think—on our highways. It makes absolutely no sense to me. I don't know if you agree with that or not.

Some of the problems with RFPs: They go to the lowest bidder. I don't know a lot about the Pan Am, but obviously, traffic is an issue. I was actually coming in from Niagara Falls on Sunday and I saw the sign saying, "Please have four or five people in your car so we can free up the highways for the Pan Am." Here you have a situation where we can't even get the tow contracts right around an RFP, because I would think your company, based on what the RFP was, would have bid on it—or towers that are in the area. So I tend to agree with you that we've got to make sure we're doing things better.

On your point about how you can have all the committees you want, you can have all the meetings you want, you can come up with all the good ideas you want, but somebody's got to be listening to you; you've got to have a dance partner. You understand the industry. The people who are on this side of the government—no matter who it is, because it has gone for over 40 years; I'm not trying to blame one or the other—you've got to have a dance partner who is going to listen, because

nobody knows how to fix our roads better than the people who are facing it every single day.

I don't know if there are any questions there or if you want to make any comments. I touched on a lot of things because this guy doesn't give me a lot of time and I talk too much. But if you want to comment on anything I said or if you disagree, I'll certainly take some notes on it.

Mr. Joey Gagne: I agree with almost everything you said. I believe the technology is there to speed up the process. I'm not a proponent of Uber the way it is today. I believe that that type of technology needs to be held accountable. They're not holding it accountable. They make claims that aren't necessarily correct. From our point of view—I mentioned that to one of the other presenters. It's great to have that technology, and I believe the technology—we're right there, we're almost there, but we have to have a process that goes with the technology.

To use Uber as an example, if you're not inspecting the person's car that's providing this Uber service, the person could be driving almost any vehicle that could be in any condition. They could be a criminal and they could have a bad driving record. When it comes to the towing part of it, we only want the most qualified operators providing this type of service. Everyone should be able to participate, but you don't get to do open heart surgery before you go to medical school; you just don't. If you do, it's called murder.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Gagne, we appreciate you coming before committee this afternoon.

Mr. Joey Gagne: Thank you very much. We appreciate it.

The Chair (Mr. Grant Crack): You're welcome.

FAIR VALUE COMMITTEE

The Chair (Mr. Grant Crack): From the Fair Value Committee—long time no see, again—Mr. Lawrence Gold. Welcome, sir.

Mr. Lawrence Gold: Thank you. I was here not long ago. I think I described myself at that point in time as a fixer. If you look at Bill 15, most of what I suggested in terms of fixes are going to be there. You're going to see fair value. You're going to see notice reduction. You're going to see abandoned vehicles dealt with. I think, Mrs. Martow, you're going to enjoy this completely.

This is an extremely timely piece of proactive legislation, particularly in view of the fact that it follows directly on the heels of Bill 15, and we must understand exactly what Bill 15 has done and not done.

There is no need for me to explain to you or to suggest to you my perspective in terms of whether traffic incident management is necessary. I would simply suggest that you have a look at the statements made by the two coroner inquests that are constantly referred to, referencing the critical need for public safety and consumer protection.

In the 1992 Kevin Keefe coroner's inquest and then the September 2013 Nadarasa coroner's inquest, they included, specifically, jury recommendations in terms of traffic incident management as follows: "In order to enhance road safety and to ensure a controlled, orderly and equitable assignment of tow truck assistance in a timely fashion," the coroner's jury recommended, amongst other things, the establishment of a province-wide call system for the attendance of tow and recovery vehicles.

In fact, Bill 15, if you look at it, effectively incorporated and dealt with 99% of the recommendations which the coroner's jury had made in the Nadarasa inquest. Unfortunately, there was one item that was sidestepped, and that was the issue of traffic incident management. My understanding as to why it wasn't dealt with was that it was strictly a government policy reason, because the government felt at the time that the management and control of that issue should have been left to industry to self-regulate.

Unfortunately, self-regulation by the industry is not possible for a number of reasons, including the fact that a lot of the cards are held by the government, and including the fact that there are other, related issues—for example, the Competition Act. I'll explain that at another time.

I believe that this has now changed. As a result of the input from the stakeholders at the Bill 15 consultations, there is, for all intents and purposes, a very strong agreement, barring a few dissenters, that the issue of traffic incident management must be dealt with and was referred to as a critical issue that must be dealt with. If you don't deal with it, it was suggested that it would completely undermine all of the positive steps that were taken and that which was accomplished under Bill 15 in regard to dealing with the issues of consumer protection, regulation, training etc.

Basically, what the report on Bill 15 will say—and I was at the first regional meeting this morning—a critical topic for future discussion, as it may have significant consequences for consumer protection—that's talking about the consumer wallet—and public safety, which is the safety issues referred to in the coroner's inquest. Many panel members stated that they believe that defining and addressing traffic incident management is essential for the development of an effective regulatory network.

Mrs. Martow, as I read your commentary in the debates—you said the following: "We can definitely do better. We all agree that the technology is there and we just don't seem to be taking enough advantage of all the new software and technology."

What I'm going to show you now is probably going to be somewhat inspiring for you. This is a utilization of the existing state-of-the-art technology that deals with both vehicle positioning as well as the identification, as well as questions of timing and arrival. It is designed to do exactly what the Nadarasa coroner's inquest jury said, which is: "Enhance road safety and to ensure a con-

trolled, orderly and equitable assignment of tow truck assistance in a timely fashion."

If I can very quickly take you to the handout that I gave you, I'm going to run through it very quickly.

You'll notice the front page, that which I have referred to as Moving Ontario Technologically Forward. That's exactly what we have to do in order to make this thing work.

On page 2, this is an example, and you can see there's an accident located at Keele and 401. It gives you the time; it gives you the location. It gives you the details—for example, a 40-foot tractor-trailer combo. The trailer is rolled over; the truck is upright. The trailer is on the side, broken in half. There is a mixed-load spill: non-toxic liquid, and large industrial cement blocks strewn all over the highway.

If you go to the next page, this is the awe-inspiring page. If you could think of it in terms of an airline control tower, if you look at this page, it shows you exactly where the incident is. It identifies all of the six tow trucks in the area. It identifies two of them as being offline, and that's like a taxicab with his meter down because he's busy. It shows you the one that was chosen, which is LA Towing. It tells you who he is. It tells you what equipment he has. It tells you the definition of who the operator is and what his capacity is in terms of training. Then, you've got backup tower number 1, backup tower number 2 and backup tower number 3.

1650

Effectively, what happens is that the assignment is given from the command centre and it goes to the first truck that is closest. The other two or three are put on standby and they're called to the scene. Unfortunately, my printer forgot to include one other page. This system has a robust listing, which shows every piece of identifiable equipment that is necessary to handle the job, as Mr. Gagne said earlier, provided that there is some work done to verify that the equipment exists.

If I take you very quickly to the last page—

The Chair (Mr. Grant Crack): You're a minute and 50 over, but I'll give you a little bit more time.

Mr. Lawrence Gold: Okay. I just want to run through this quickly with you. These are the primary components of the system. All CVOR-approved towing operators may participate. Bill 15 will determine who is approved, who is not approved and what equipment is approved. Participants are free to go offline, if they see fit. Participant selection will follow a rotational model. Therefore, everybody gets a fair share, and it follows through. Participants will install the telemetric GPS unit in their vehicle, and it's both GPS and telemetrics. The difference is, GPS tells you where you are; telemetrics tells you how long it'll take you to get there. It exists because the MTO right now has little sensors on the highway, and that's how they know—on little cameras—how long it's going to take you to get where you're going.

The Chair (Mr. Grant Crack): Okay, thank you very much, Mr. Gold. I gave you an extra two minutes, which I did not afford to the other presenters.

Mr. Lawrence Gold: The rest is there for you to read.

The Chair (Mr. Grant Crack): So we'll start with Mr. Gates. I don't want to leave you too much time between talking, so you can go first, sir.

Mr. Wayne Gates: You're very kind.

An interesting comment that I picked up on—actually, I like this idea. It's no different than, if you can believe it, what we've been doing since, I think you said 1992, trying to figure out a solution since the coroner's inquest. Cab drivers have been doing that for years; even when I was growing up and I was a little guy, they had a system in place.

The other thing that I agree with you on is the industry as self-regulating. I never think that will work. Any time you have to write a report about yourself, very few people will say, "I'm not a very good MPP," if I'm writing it up myself; other people might. I think a good example of that is in the Auditor General's report, where they were allowing snow-removing companies to monitor themselves, write their own reports, and, at the end of the day, unfortunately we saw what happened to our roads. They became less safe. People had more injuries. I think the self-regulating is certainly one that's interesting.

This here, I think, quite frankly would be a winner. Hopefully, some people listen to you about it.

Mr. Lawrence Gold: I've spoken to a lot of people, and they have agreed.

Mr. Wayne Gates: I think it's a great idea.

The only thing I wanted to ask, because it wasn't spelled out there—you went through it pretty quick and I might have missed it. I apologize if I did. In listening to the last individual that presented about unqualified—so would that be part of the system where they'd have to be qualified and they'd have to have all that as well?

Mr. Lawrence Gold: Bill 15 is going to take care of that. Part of Bill 15, which you will see, will be a training program that's required. The training program will determine what level tow operator you are. Are you light-duty? Are you heavy-duty? They've suggested the utilization of WreckMaster. The highest WreckMaster order right now is a 6/7. I've suggested to WreckMaster that they add one more designation, which is an on-scene traffic management coordinator, the problem being now that they teach them in a fish bowl. Somebody has got to bring the MTO and the police together and say, "Here's what you do when you arrive on the scene and police aren't there in order to avoid getting killed."

Mr. Wayne Gates: That's why the partners have to come together.

Mr. Lawrence Gold: Well, CVOR is going to take care of all the training, all of the vehicle safety requirements and the licensing of the tow operators. It will be something probably similar to an air brake endorsement to drive a big rig. It will be an endorsement based upon your level of what you can safely remove from the road, starting from light-duty towing going to heavy-duty towing.

Mr. Wayne Gates: All right. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government. Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for your presentation—very interesting, very well put together, great energy that you have put into this presentation. You're obviously very committed to road safety. It's something that the government is also very committed to, as is evidenced by Bill 31. So I just wanted to thank you very much for that.

I'm wondering if you can tell me if you've had a chance to think about: If a committee was to be put together and you were going to be striking that committee, who would you choose to be partners in that committee?

Mr. Lawrence Gold: All of the stakeholders, including insurance, the towing community, police and MTO. I would add the Ministry of the Environment; they are a very important piece of the puzzle.

The other question which you asked an earlier individual: What would I do different? The challenge that you have is from a policy level, intergovernment. You've got the people at the lower policy level—for example, the police, the Ontario Association of Chiefs of Police—who have great ideas, but they need the acquiescence of the policy people in the minister's office to give them the marching orders to go ahead and do what has to be done. That's where you run into problems: where you're talking to the Indian, but the chief is making the decisions.

I've spoken to both chiefs and Indians, and everybody has the desire to move this forward based upon this type of paradigm. This one is different because it gives an alternative to the current situation where people are rushing to get there. You don't have to rush. If you are there, if you are closest, it's yours. You don't have to rush to get there, and you'll get your fair share.

Ms. Sophie Kiwala: Great. Thank you. Anything else?

The Chair (Mr. Grant Crack): One minute. Mrs. McGarry.

Mrs. Kathryn McGarry: Yes, thank you. The passage of Bill 31 yesterday, the Making Ontario's Roads Safer Act—the "slow down, move over" legislation is part of trying to keep tow truck drivers safe. Also, some initiatives have come forward from that limited engagement of the advisory committee. What other urgent pieces of legislation would you like to see advanced to protect the industry?

Mr. Lawrence Gold: Here's one of the problems you have with the "move over" legislation: You need to have a way to get the tow truck safely to the scene. In other words, somebody has got to escort them from the nearest exit, and somebody has got to protect them when they are there. There's another very important issue that can be—people think it's a little bit too spacey to do this, but police, when they investigate an action, use drones. There's nothing wrong with using the drone to have a look at what's there so that emergency medical and everybody knows what's on the ground. That has to do with the ministry of communications in terms of flight. So the same drone that's used to look at the accident

scene can be used in order to pass information to the command centre to say, “Okay, eyes on the ground, here’s what we’ve got there. We need this type of truck, that type of truck,” and whether you need this type of emergency vehicle. Then everybody knows what’s going on, and you’re basically following that US-Texas model and the United States transport ministry. They’re doing this already; we’re not reinventing the wheel.

The Chair (Mr. Grant Crack): Thank you very much—appreciate that. We’ll move to the official opposition. Mr. McDonell.

Mr. Jim McDonell: Thank you. Any idea of the cost of setting this up? Is it just the software?

Mr. Lawrence Gold: It exists. It has been put together. So it’s not a question of cost; it’s a question of will.

Mr. Jim McDonell: Okay. I know we’ve seen cases with fire trucks, people getting hurt and fire trucks being damaged. A lot of it is coordinating a response with the police and, as you say, getting people there safely. Once you’re outside the city of Toronto, police aren’t that readily available sometimes in serious accidents.

You have a list of places where they’ve already used it. I guess it is something that—it’s always best to take something that’s working and moving it in. You say it’s already set up. Is it already set up with the OPP?

Mr. Lawrence Gold: No, what I said is, first of all, there are currently rotation models that are being used all over Ontario; for example, Hamilton has one. This is that model enhanced by technology. So it’s not being used right now. There are bits and pieces all over. This is taken based upon my review of Texas and Florida, what everybody is doing, and enhancing it and what I call Ontario-sizing it in order to meet our specific requirements here.

Mr. Jim McDonell: Okay. So it would have to be put in place, and there is a cost. The OPP would manage that, or the police forces?

Mr. Lawrence Gold: The command centre would be controlled by a combination of OPP and the Ministry of Transportation, someone with a WreckMaster degree certification so they can see what’s there and make the determination as to what type of equipment. If you talk to the Ontario Association of Chiefs of Police, their primary accident investigators are WreckMaster 6/7 certified already. The talent is all there; there just has to be a will.

Mr. Jim McDonell: Okay.

Mrs. Gila Martow: What I would suggest is that I think that there are news outlets that would be very interested just like they are in giving traffic reports. They’re willing to pay to monitor and set up cameras. Could you envision a system where we would allow the news outlets to be in there and posting information for people on the radio and social media on where to stay away?

1700

Mr. Lawrence Gold: My vision would be that, for example, the Darryl Dahmers of this world would lend their video feed to the command control centre. You

heard Mayor Tory talking to him about the holdup on the Gardiner Expressway ramp: Why is he sitting there for three hours? Well, there’s no coordination. It doesn’t surprise anyone. So yes, all of that would be used. We’re living in an information age; we’re just not using it.

Mrs. Gila Martow: Right. I would just add to that that there are ways technology is fantastic and—

Mr. Lawrence Gold: It all exists.

Mrs. Gila Martow: It all exists, yes.

The Chair (Mr. Grant Crack): Well, thank you very much, and we thank you, Mr. Gold, for coming before our committee and sharing your insight with us.

Mr. Lawrence Gold: If anybody has any follow-up questions, I would be pleased to discuss them.

ONTARIO SAFETY LEAGUE

The Chair (Mr. Grant Crack): From the Ontario Safety League, we have Mr. Brian Patterson, who is the president and chief executive officer. Welcome, sir.

Mr. Brian Patterson: Thank you.

The Chair (Mr. Grant Crack): You have five minutes, sir.

Mr. Brian Patterson: It’s a pleasure to come and speak on what I think is a timely bill. It follows on what you’ve already heard: some stakeholder consultations that have been ongoing for the last 18 months to two years and some consultations go back to the 1960s.

From the Ontario Safety League’s perspective, public safety is number one. We have advocated for changes that have been significantly important to ongoing public safety.

I’d be remiss not to say how pleased we are, as all members of the Legislature were yesterday, on the passage of Bill 31. A complicated number of issues were brought together under one bill with all-party agreement and, while that bill was under consultation, the Ontario Safety League had an opportunity to explain it at some length to all the party leaders and a number of members. I know Mrs. McGarry has heard it at length, so she’ll be okay with the next three and a half minutes to close this out.

In a lot of cases, we wonder why the road is closed at all, and for how long. That issue has never really been effectively addressed, and I think this bill will allow that discussion to come into play.

What we do know is for every minute of delay, we have three additional minutes of—sorry?

The Chair (Mr. Grant Crack): Just pull back from your mike, please, for Hansard. I apologize.

Mr. Brian Patterson: Okay; no problem. So we have a 3-to-1 delay when we shut a road down, so a 15-minute closure will take 45 minutes for the roadway to return to its normal pace. A two- or three-hour closedown in the GTHA, as you can well imagine, is unbelievable.

Who benefits from these closures of the highway? It’s again a complicated question from which this incident management committee will benefit. At the moment, it’s not clear whether we’re gathering data for the benefit of

MTO engineering, or if that data is gathered in a different way now than it was prior, whether we're gathering it for the benefit of future road engineering or whether we're gathering it for the courts in the event that there is a hearing and trial. So who benefits is still open to question, and I think this bill will allow that to come into play.

What are reasonable timelines for closure? As Mr. Gagne mentioned, cars colliding is not unique to the province of Ontario. There are best and better practices around North America that will benefit, so I think we can look into those reasonable timelines, set some objectives and work toward them. We have some real concerns. Secondary collisions from people watching, from the congestion and from the road rage created are a huge problem.

The safety of first and related responders to the scene—I have to tell you, I've been on a crash scene where someone drove through five firefighters in full bunker gear as they thought there was an opening in the road for them to carry on. We have had incidents where all levels of responders have been badly injured or killed, whether they are police officers, firefighters, EMS members, tow industry responders or members of the public who may have gotten out of their car to help respond to someone who's been badly injured and found themselves worse off as a result of becoming a good Samaritan.

There was a question of cost earlier, and I would say I think the cost is unclear. The current model envisions some costs to be moved or absorbed. Right now the costs are unclear because excessive towing costs where the abuse and fraud have been identified are being paid for by every resident in this province. The cost of closing roads for that time frame that we talked about is being paid for by many manufacturers, and in some cases that's critical to small business. The cost of the Envision Control Centre and rotational process—there's a cost there.

I don't think we're looking at something that's going to be cost-free. What I think we are looking at is something that could generate best practices, improve public safety in the province, and rationalize those costs so that those who are paying and those who are receiving will know what they are.

I look forward to any of your comments. Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Patterson. We shall begin with Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you so very much, Brian. It was a delight to have you here yesterday. I know the Ontario Safety League had a lot to do with writing and looking over Bill 31. I'm going to ask you a couple of questions. Maybe you could just identify exactly what portions of the bill you were most involved with, besides everything.

Mr. Brian Patterson: I think a lot of that bill, particularly the "move over" piece—although championed by CAA, we felt that was critical.

The issues around distracted driving and actually creating a real penalty for distracted driving were critical to us. I think that is a good example that public safety is an area that is non-political between parties and we can, when best able to do so, remove those issues.

On this process, with towing, we already have established a formal tow training program. We've worked very closely with a number of the towing industry with regard to new technology. Again, lots of good opportunities are there for everyone in this province.

Mrs. Kathryn McGarry: In ways of addressing highway management, what do you think the most effective way of communicating your suggestions to both ministries named in this bill would be? If not through a committee process, how would that be? Or if you did think a committee process is the best way, who would you have at the table?

Mr. Brian Patterson: I really think the committee process is the way to go. I think the government and all members of the Legislature want to see real stakeholders at the table who have—to use that term—skin in the game, who know what they're dealing with. I'm not sure you need a constable or a sergeant from one of the municipal police services speaking on behalf of all police. I think the commissioner of the OPP and the current president of the OACP will see this as important enough.

What they don't want to see is the unending piece of string, that we're now in meeting 72 of the process and we're not getting anywhere.

But I think with a one-year time frame, with the commitment of senior bureaucratic staff and a request from this organization to senior police leaders, they will be there. They'll give you good advice and you'll have practices that you can implement within a year of the meeting.

Mrs. Kathryn McGarry: The Faster Clearance Working Group had been struck, and we had done some good work. In your opinion, do you know why it failed? And how could we prevent a similar committee, if we strike it, from failing?

Mr. Brian Patterson: I think you really want to have, as I say, the senior leaders from the organizations, real stakeholders like the Ontario Safety League. We have no skin in the game. We don't own a tow truck and never towed a car—well, except my brother's. But I think we can put public safety number one, and as a result we'll get some of this clearance out of the way.

I think you need to have leaders at the table. That doesn't happen when you've got nine committee meetings to be scheduled over two years. It just doesn't get anywhere.

The Chair (Mr. Grant Crack): Thank you very much.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Grant Crack): I appreciate that. We shall move to the official opposition. Ms. Martow.

Mrs. Gila Martow: I just wanted to mention that people have been asking about cost. In my opinion, if we take into account the economy and people's time—as

somebody who's been in the medical field where people haven't made it to their surgeries and surgeries had to be cancelled, people have missed flights and important business meetings and, of course, damage to the roads. Whatever small cost it is to implement this kind of technology, that's kind of what I wanted to ask you about. Do you think that there is maybe even room that we could somehow have licensing fees and have those licensing fees go directly, instead of—right now, the licensing fees are going to municipalities, and it's a real patchwork—that we have a more centralized licensing system for tow trucks with this GPS type of technology, and those fees go directly to maintaining the technology? It doesn't necessarily have to cost the taxpayers.

1710

Mr. Brian Patterson: Yes, we've advocated the one issue, and we've got municipalities on board. The Ontario Safety League has offered to be that regulatory body so that the training, the regulation and the maintenance and the ongoing reporting qualification of the driver could be maintained in one database. Therefore, inter-municipality acceptance—I think that's likely to happen; not self-regulated, but jointly regulated.

I think there is a need to put the costs on the table so that they can be appropriately dealt with. I have heard too many times of the \$1-billion cost to the GTHA for road closures, and no opportunity to come to the table and help solve that.

Mrs. Gila Martow: Yes, you're reminding me that when that tractor-trailer flipped getting onto the 401 from the 400, or getting onto the 400 from the 401—I can't remember. But I'm sure you remember that that was major, and the highways were closed down for half a day. The cost, I recall, was half a billion dollars to the economy.

Mr. Brian Patterson: I think we need to just accept the fact that there are going to be some costs and there's going to be some benefit. I think the benefit is in public safety and coordination. If you bring the right level of leaders to the table, a committee struck under this bill will accomplish that.

Mrs. Gila Martow: I hope that we'll see actually the costs balancing out. It'll be cheaper to put this in than not put it in.

That's it for me. Thank you for coming.

Mr. Brian Patterson: Thank you.

The Chair (Mr. Grant Crack): Very good. Mr. Gates, from the third party.

Mr. Wayne Gates: Was it something I said, Brian?

Mr. Brian Patterson: Oh, sorry. I thought somebody was going to follow me. Sorry.

Mr. Wayne Gates: I wasn't sure. I didn't know. I hadn't started.

Mr. Brian Patterson: I need Mr. Marchese here to always say, "And how much money does the government give the Ontario Safety League?", and I can say, "Nothing." So there you go.

Mr. Wayne Gates: There you go. So I won't have to ask that question, then. I'm good.

I can tell you that we did, as a party, support Bill 31. But I will tell you that I spoke as the lead for an hour on Bill 31, and I laid out a number of amendments that I thought would have not hurt the bill at all and would have made the bill stronger. It got passed, but I still feel that the bill could have been a lot stronger for the safety of our roads. I just want to make sure I say that.

The other thing is that I think a lot of people don't understand or might not realize—and I think it was very important that you said it—is that we send our first responders out there, and they do it willingly. They go out, whether it's an accident or a fire or whatever it is. A lot of them do get killed. A lot of it is because we haven't provided the safety features around the accidents. If we're going to say to our first responders, "We need you to get out there," we've got to make sure we put systems in place that work for them so that they're doing their job and it can be done safely so they can go home to their families. So I'm really glad you raised that, because I think it's something that is forgotten about.

On your talk about bringing leaders to the table: We've been talking about this for 35 or 40 years. If we're going to do this and there's going to be a bill, there has to be a timeline to it. Whether it's six months or a year or whatever the makeup is, there has got to be an end game to it. The people that do have skin in the game—and I appreciate that you said you don't, but obviously you have a lot of expertise—I think it's important to say, "Okay, this is what we're going to do. This is what we'd like to accomplish, but we're going to accomplish it here." I think that's probably one of the most important things to establish. If they're going to do it, let's get it done.

The last one on the cost of benefits: a very interesting look at the cost of benefits. I don't think you can put a cost on public safety.

Mr. Brian Patterson: No; I agree.

Mr. Wayne Gates: I don't know what one person's life is worth, quite frankly, but I can tell you that in the province of Ontario, under a number of governments—I'm not taking a shot at any government here—we have not done a very good job around public safety. We've talked about it. We continue to talk about it. We haven't acted. Hopefully, maybe this committee will help us get to a position where, when I get on the road with my grandkids driving down the highway, I know the road is going to be safe. If I need first responders, I know that the mechanisms are going to be in place that it would get taken care of and not put anybody else's life at risk. That's what we're doing when we have an accident on the highway.

So I just wanted to make those points. If you want to say something to that, that's fine.

Mr. Brian Patterson: I'm looking forward to results or any negotiation that can take place. I think the current government and the current attitude between the three party leaders is such that road safety and public safety can be number one, and those who can be requested—I can tell you, a request from the Premier or the leader of

either of the parties to attend a consultation that has a scope, has a mandate, has a mission, will be successful. You will find chiefs of police and fire chiefs there, and you will find professionals ready to give of their time and energy to ensure that we have a safe result as the outcome.

Mr. Wayne Gates: I appreciate it.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Patterson, I appreciate you coming before the committee this afternoon.

Mr. Brian Patterson: Thanks, Mr. Chair. Thanks very much.

The Chair (Mr. Grant Crack): You're quite welcome.

Just as a reminder to all members of the committee before we adjourn, we will be reconvening on September 14 for clause-by-clause consideration. I would like to remind all members that amendments will be due on September 8 at 12 noon.

I just want to make a point that, as your Chair, it has been a privilege for me to serve you over the last session. We nailed this committee meeting right on time, so feel free to congratulate me if you like. This meeting is adjourned.

The committee adjourned at 1716.

CONTENTS

Wednesday 3 June 2015

Highway Incident Management Act, 2015, Bill 30, Mrs. Martow / Loi de 2015 sur la gestion des incidents de la route, projet de loi 30, Mme Martow	G-601
Ontario Good Roads Association.....	G-601
Mr. Scott Butler	
CAA South Central Ontario.....	G-603
Mr. Elliott Silverstein	
Provincial Towing Association (Ontario)	G-606
Mr. Joey Gagne	
Fair Value Committee	G-608
Mr. Lawrence Gold	
Ontario Safety League.....	G-611
Mr. Brian Patterson	

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Président

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Vice-Chair / Vice-Président

Mr. Joe Dickson (Ajax–Pickering L)

Mr. Mike Colle (Eglinton–Lawrence L)

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Mr. Joe Dickson (Ajax–Pickering L)

Mrs. Lisa Gretzky (Windsor West / Windsor-Ouest ND)

Ms. Ann Hoggarth (Barrie L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Ms. Eleanor McMahon (Burlington L)

Ms. Lisa M. Thompson (Huron–Bruce PC)

Mr. Jeff Yurek (Elgin–Middlesex–London PC)

Substitutions / Membres remplaçants

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

Mr. Wayne Gates (Niagara Falls ND)

Mrs. Gila Martow (Thornhill PC)

Mr. Jim McDonell (Stormont–Dundas–South Glengarry PC)

Mrs. Kathryn McGarry (Cambridge L)

Clerk / Greffière

Ms. Sylwia Przewdziecki

Staff / Personnel

Ms. Susan Viets, research officer,
Research Services